# Chapter 5 California Environmental Quality Act (CEQA) Evaluation

This chapter provides the basis for describing any environmental effects identified in Chapters 3 and 4 that would be considered significant under the California Environmental Quality Act (CEQA).

## 5.1 Relationship Between the National Environmental Policy Act (NEPA) and CEQA

This combined environmental document complies with National Environmental Policy Act (NEPA) requirements for the preparation of an Environmental Assessment (EA), and with CEQA requirements for an Environmental Impact Report (EIR). Use of the term "significant" differs under these two laws. CEQA requires that an EIR include a determination of significant impacts, while under NEPA, an EA is prepared to determine whether a project will have a significant impact on the environment and, if no unmitigable significant impact would occur—the situation that has been found to prevail for the Highway 101 HOV Lane Widening Project, then a Finding of No Significant Impact (FONSI) is made. Given these differences, the CEQA significance criteria and the determination of significant impacts have not been specifically addressed in other sections of this combined NEPA/CEQA EA/EIR. These criteria and determinations are grouped for discussion in this chapter.

It should be noted that although the presence of mitigation creates a presumption of significant impacts under CEQA, NEPA encourages mitigation for all of the impacts of a project. For this reason, some mitigation measures described in this document are wholly appropriate under NEPA, although the impacts they address may not be considered significant under CEQA.

## 5.2 Significance of the Proposed Project's Impacts Under CEQA

This section identifies impacts of the Highway 101 HOV Lane Widening Project that would be considered potentially significant under CEQA before proposed mitigation measures are applied.

### 5.2.1 CEQA Criteria of Significance

CEQA requires that an EIR identify the significant environmental effects of the project (CEQA Guidelines Section 15126), but does not promulgate specific thresholds for significance. Instead, CEQA Guidelines Section 15064(b) states that "the determination...calls for careful judgment on the part of the public agency involved..." and that "an ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting." CEQA encourages lead agencies to develop and publish their own thresholds of significance for the purpose of determining the significant effects of their projects. The fundamental definition of significant effect under CEQA

is "a substantial adverse change in physical conditions." This criterion underlies the evaluation of environmental impacts for most of the impact issues identified in the CEQA Environmental Checklist Form (Guidelines Appendix G).

Some impact categories lend themselves to scientific or mathematical analysis, and therefore to quantification. Some categories have significance thresholds established by regulatory agencies, such as the California Department of Conservation or the regional air quality management district. For other impact categories that are more qualitative or are entirely dependent on the immediate setting, a hard-and-fast threshold is not generally feasible, and the "substantial adverse change in physical conditions" is applied as the significance criterion. In the current analysis, Caltrans and the Sonoma County Transportation Authority have given careful consideration to the issue of significance and have applied the significance criteria established in the State CEQA Guidelines, Appendix G to evaluate the significance of the effects of the Highway 101 HOV Lane Widening Project under CEQA.

CEQA does not require a discussion of socioeconomic effects except where they would result in physical changes, and states that social or economic effects shall not be treated as significant effects (see CEQA Guidelines Sections 15064(f) and 15131). The Highway 101 HOV Lane Widening Project will not have socioeconomic effects that either cause or result from physical changes.

### *5.2.2. Significant Environmental Effects of the Proposed Project*

*Table 5.3-1 identifies each potentially significant impact of the proposed project and the mitigation measures proposed to reduce the impact to a level below significance under CEQA. Only the loss of trees and impacts to biological resources potentially rise to the level of significance before mitigation is added. Both impact categories can be mitigated to a level below significance under CEQA.*

### 5.2.3 Unavoidable Significant Adverse Effects Under CEQA

The Highway 101 HOV Lane Widening Project would not result in unavoidable (unmitigable) significant adverse impacts. All potentially significant impacts would be reduced to a less than significant level with the proposed avoidance, minimization, and/or mitigation measures in place. The measures proposed to mitigate the potentially significant impacts of the project are summarized in Section 5.3, Mitigation Measures for Potentially Significant Impacts under CEQA. Note that each respective impact category section in Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures, presents these and other mitigation measures without regard to CEQA significance.

## 5.3 Mitigation Measures for Potentially Significant Impacts Under CEQA

The Highway 101 HOV Lane Widening Project would result in potentially significant impacts under CEQA. These impacts, their level of significance before mitigation with respect to CEQA criteria of significance, the mitigation measures proposed to reduce the impacts to a level below significance, and their level of significance after mitigation is applied are presented in Table 5.3-1. There would be no unavoidable significant adverse impacts of the Highway 101 HOV Lane Widening Project with the proposed mitigation in place.

**Table 5.3-1: Summary of Potentially Significant Impacts and Significance After Mitigation—Highway 101 HOV Lane Widening**

| Impact | Significance | Mitigation | Significance After Mitigation |
|---|---|---|---|
| 3.6 VISUAL/AESTHETICS | | | |
| 3.6.3 The highway widening would displace 404 *to 1,331* mature trees, including 387 *to 1,061* redwoods | PS | • Planting concepts and hardscape aesthetic design treatments consistent with Caltrans landscaping requirements would mitigate adverse impacts on overall visual quality.<br>• Replacement planting would reduce project effects on mature trees and landscaping. The SCTA and Caltrans would coordinate with the cities of Petaluma, Cotati, and Rohnert Park, and Sonoma County to identify feasible locations and species of trees and other plants to be installed. All disturbed areas will be re-vegetated according to Caltrans standards.<br>• *Mature t*rees would be replaced at a ratio of 1:1 *where feasible, within the project limits and right of way*.<br>• Redwood tree clusters *and other mature vegetation will* be reestablished *where feasible within the project limits and right of way.*<br>• A three-year plant establishment period would be implemented.<br>• Permits would be obtained prior to removal of any tree in County jurisdiction to ensure compliance with the Sonoma County Tree Protection Ordinance.<br>• *Avoidance and minimization approaches as identified in Section 3.6.4 will be incorporated during final design to reduce tree loss below the upper end of the reported ranges.* | LS |

**Table 5.3-1: Summary of Potentially Significant Impacts and Significance After Mitigation—Highway 101 HOV Lane Widening**

| Impact | Significance | Mitigation | Significance After Mitigation |
|---|---|---|---|
| 3.15 BIOLOGICAL ENVIRONMENT | | | |
| 3.15.3.3 The slope of the widened roadway embankment would permanently fill areas with potential to contain California Tiger Salamander (CTS). | PS | Consultation with the USFWS to determine appropriate compensation measures for impacts to CTS areas *was completed in October 2006*. The following measure *is in accordance with the USFWS no-jeopardy Biological Opinion issued on October 18, 2006:*<br><br>*Caltrans/SCTA will compensate for the loss of 12.19 ha (30.14 ac) of California tiger salamander habitat with the acquisition and preservation of 14.27 ha (35.30 ac) of habitat for the California tiger salamander. Compensation will be achieved by purchasing credits in a conservation bank approved by USFWS to sell CTS credits in Sonoma County.* | LS |
| *The HOV Lane Alternative with SR116 Interchange Option B (included in the Preferred Alternative) would permanently fill 0.2816 ha (0.6959 ac) of wetlands/other waters of the U.S.* | *PS* | *Purchase of credits at a USACE-approved mitigation bank would ensure no net loss of wetlands and compensate for impacts to other waters.* | *LS* |
| *Impacts to special-status plants including vernal pool plants were evaluated in accordance with the Santa Rosa Conservation Strategy and the 1998 Plant Programmatic Opinion.* | *LS* | *Caltrans and SCTA will provide 0.30 ha (0.75 ac) of compensation of suitable habitat for the loss of listed plants for this project. Compensation will be achieved by the purchase of credits in a conservation bank approved by USFWS and USACE. Plant surveys are recommended during the bloom period prior to construction to ensure no impacts to special-status plant species.* | *LS* |
| Up to *0.0076* ha (*0.0187* ac) of aquatic habitat at the Laguna de Santa Rosa that provides suitable habitat for Russian River tule perch, and up to *0.0244* ha (*0.0601* ac) of aquatic habitat at the Laguna de Santa Rosa*, Willow Brook* and Copeland Creek that provides suitable habitat for coho salmon*, Chinook salmon,* and steelhead would be permanently affected. | *LS* | *Protective measures would be implemented to minimize harm to affected species. Revegetation and erosion control of the creeks and surrounding riparian areas will improve conditions for salmonids and perch. Riparian habitat will be restored at a mitigation ratio established in consultation with NOAA Fisheries, USFWS, and CDFG.*<br><br>*Preconstruction surveys would be conducted so that in the unlikely event any western or northwestern pond turtles were present, they could be relocated prior to construction.* | *LS* |

B=Benefit, N=Neutral, LS=Less Than Significant, PS=Potentially Significant, S=Significant, SU=Significant Unmitigable
Source: Parsons 2005.